

QUARTERLY REPORT

Independent Police Review (IPR) — Citizen Review Committee (CRC)



www.portlandoregon.gov/auditor/ipr

Fourth Quarter 2014

IPR DIRECTOR'S REPORT

by *Constantin Severe, Director*



Over the next several quarterly reports I'd like to provide an update on three important aspects of IPR as a police oversight agency: investigations, monitoring, and our engagement with the community. As many of you know the last five years have been a time of significant change for IPR, with a series of code changes that have increased this office's ability to conduct independent investigations and provided us with additional tools and resources.

When IPR was created in 2001, our primary role was to be an intake point for community member complaints about Portland Police Bureau officer misconduct. After an intake investigation, a case handling decision is made whether a complaint should be dismissed, referred to the Police Bureau as a minor, non-disciplinary complaint, or to refer the case to Police Bureau Internal Affairs for a full investigation. Although IPR had the ability under City Code to conduct independent investigations since its creation, until 2013 IPR

had never conducted an independent investigation. While this failure was due to a lack of resources, it created a very real breach of trust with a community that was promised an agency with real investigative abilities.

The 2012 DOJ settlement agreement has within it a requirement that the City "enable meaningful independent investigations" by IPR. With additional resources provided by City Council, IPR now has five full time investigators who bring diverse backgrounds and sensitivity to

communications that require cultural awareness. Using a recent change to City Code that provided clarity on how IPR was to conduct interviews of PPB members, our investigators have started to interview officers during the intake stage when the need arises, allowing for more complete investigations earlier in the process.

Currently, IPR has eight cases under independent investigation. Four of those investigations are related to demonstrations stemming from the Black Lives Matter protests in the aftermath of the grand jury decision in Saint Louis County, Missouri.

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CRC CHAIR'S REPORT

by *Rodney Paris, Chair*



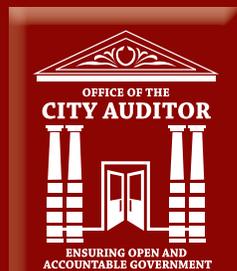
CRC had a busy and productive fourth quarter of 2014. We held 4 public meetings in the quarter along with multiple workgroup meetings. The CRC also worked along with IPR in the recruitment for new CRC members and community outreach.

At the October 1, 2014 meeting, the CRC attempted to hear Appeal 2013-C-0030/-2013-X-0005 but unfortunately did not have a quorum, so the appeal was postponed. The committee also discussed Chief Reese's decision to change the finding in Appeal 2014-C-0305/-2014-X-0002 from Exonerated to Unproven with Debriefing. The CRC had previously recommended the finding be changed from Exonerated to Sustained. Therefore, a Conference Hearing was scheduled for November to discuss the finding.

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OFFICE OF THE CITY AUDITOR

The City Auditor's division of the Independent Police Review receives and screens complaints about officers of the Portland Police Bureau. IPR may dismiss, mediate, investigate, or refer complaints to the Police Bureau. IPR analyzes complaint patterns, conducts policy reviews, as well as oversees investigations.



INDEPENDENT POLICE REVIEW
1221 SW 4th Ave., Room 140
Portland, OR 97204
503-823-0146
ipr@portlandoregon.gov

CITIZEN REVIEW COMMITTEE

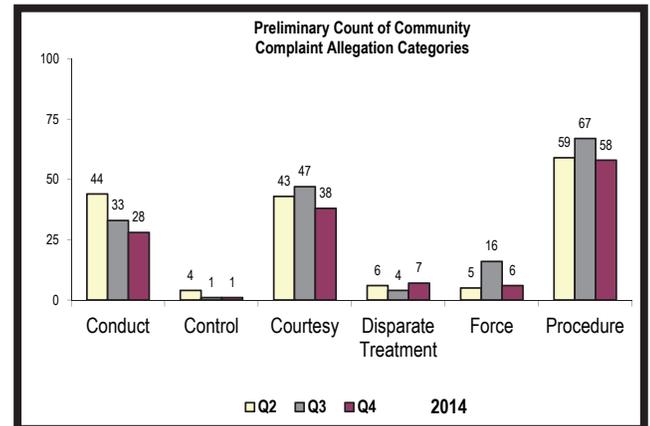
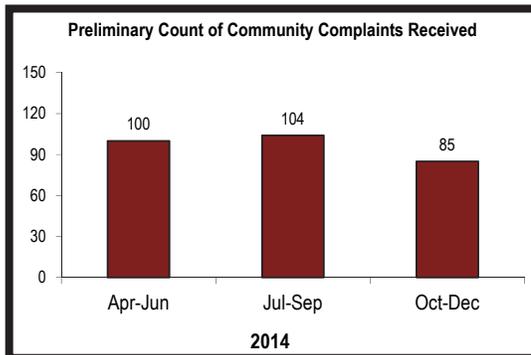
Community Oversight of Portland Police Bureau

As community volunteers, the nine members of the Citizen Review Committee are appointed by Portland to monitor and advise IPR, hear appeals, and receive public concerns.

Message: 503-823-0926
crc@portlandoregon.gov Fax: 503-823-4571
www.portlandoregon.gov/auditor/ipr TTD: 503-823-6868

CASE STATISTICS

IPR records and tracks all community complaints. The following charts show the number of complaints received and the total allegations in each complaint category over the past three quarters. Most complaints contain multiple allegations, each classified and tracked separately, so allegations outnumber new cases.



IPR randomly selects a few new community complaints, completed investigations, and officer commendations from the reporting period to provide examples for the following sections.

NEW CASES

- A man contacted IPR with concerns that he had been wrongfully arrested and claimed that an officer stole \$100 from an envelope (among his personal belonging) during the interaction. The man was not charged following the arrest.

Status: IPR dismissed the wrongful arrest allegation as the police report and other sources indicate that the officer had probable cause to make the arrest (despite whether charges followed). The possible theft of \$100 was referred to IA and the Detective Division for additional investigation.

- IPR received an online complaint from a man who was the subject of a traffic stop (and received a citation). The driver described the officer as rude and impatient for refusing to more thoroughly explain how he violated a traffic law. The complainant provided very limited contact information with his submission and did not reply to attempts that were made to follow-up with him.

Status: IPR dismissed the case as the complainant essentially withdrew from the process. As described, the officer's actions

did not constitute misconduct. Officers are trained to provide brief explanations, but not to debate the merits of a citation with drivers at the scene (that is a matter for the courts).

COMMENDATIONS

A community member wrote to thank three Portland officers who helped with a charity toy drive fun run in Washington County (Ore.) in mid-November.

Many in the community wrote to compliment Sgt. Bret Barnum after seeing the photo of the hug he shared with a 12-year-old African-American boy at a Ferguson-related protest rally in Portland.

A woman wrote to highlight many examples of good work she had witnessed by East Precinct Neighborhood Response Team officers. She described their innovative approaches to crime reduction and addressing livability issues.

INVESTIGATED CASES

Senior Police Bureau management reviewed 18 completed misconduct investigations during the quarter. Many of the complaints involved more than one officer and alleged several acts of misconduct.

Commanders recommended at least one sustained finding in 13 of the 18 cases, and suggested an officer debrief in three of the 'non-sustained' cases.

INVESTIGATED CASE EXAMPLE AND FINDINGS

■ EXAMPLE:

An officer was dispatched to the scene of a restraining order violation in progress, which should have resulted in a mandatory arrest of the subject. However, the officer decided not to make the arrest and documented the reasoning in a police report. Bureau management and the Police Review Board determined that decision to be out-of-policy (sustained). The Board voted for corrective action ranging from a Letter of Reprimand to a 10-hour suspension without pay.

CHAIR'S REPORT

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At the October 23, 2014 special meeting, the CRC heard Appeal 2013-C-0030/2013-X-0005 which was postponed from the October 1, 2014 meeting. The CRC did not vote to challenge most of the findings, however, in a unanimous vote, the CRC challenged an "Unproven with debriefing" finding and instead suggested a "Sustained" finding on whether an officer in the case asked questions of the complainant before he was read his Miranda rights. In a 4-3 vote, the CRC also challenged an Exonerated finding and suggested Unproven on the Courtesy allegation regarding an officer's comment/response about whether the handcuffs used were too tight. Chief Reese later accepted both of the CRC's recommended changes.

CRC WORKGROUPS

Use of Deadly Force

Use of Deadly Force Workgroup is reviewing the Police Bureau's policies and training regarding the highest levels of physical force. The Workgroup met with members of 'Don't Shoot PDX' in December and continued discussing a draft report.

Crowd Control

The Crowd Control Workgroup received comments from the full CRC and community members on its draft report (submitted to the Police Bureau in Sept.). The Workgroup finalized the report during the 4th quarter and presented it in front of City Council in January.

Outreach

The Outreach Workgroup revised and adopted their workgroup mission statement, attended and supported the CRC Use of Deadly Force workgroup forum held for community and 'Don't Shoot PDX'. The Workgroup created specific practices to promote community engagement at CRC meetings.

Recurring Audit & Recruitment, Retention, and Promotion

These two workgroups are currently on hold pending additional members.

At the November 5, 2014 CRC meeting, the committee heard a presentation from IPR on their Annual Report and asked questions about its content. The CRC also held a Conference Hearing on Appeal 2013-C-0305/2014-X-0002 with Chief Reese. Reese explained the rationale for his decision and the CRC agreed with his decision to change the finding from Exonerated to Unproven with Debriefing.

At the December 3, 2014 CRC meeting, the committee heard an update on the Ad-Hoc workgroup's progress on changes to CRC procedure to meet the new timelines for appeals. The CRC also voted to approve the final Crowd Control Workgroup Report and Chair Paris along with IPR's Derek Reinke presented the report to City Council on January 14, 2015.

IPR OUTREACH UPDATES



Irene Konev

IPR Community Outreach Coordinator Irene Konev recruited to expand diversity on the Citizen Review Committee. Networking and community engagement produced 30 CRC applicants (17 women and 13 men) reflective of Portland's diverse community and from a variety of backgrounds.

Six applicants were selected to begin three-year terms.

With these appointments, the CRC has five individuals who self-identify as a person of color. Further, CRC consists of seven women and four men and - in a first for CRC - both the CRC Chair and Vice-Chair identify as female.

CRC recruitment networking took place with the following:

- African American Chamber of Commerce
- Asian Pacific American Chamber of Commerce
- Native American Chamber of Commerce
- Philippine American Chamber of Commerce
- Hispanic Metropolitan Chamber of Commerce
- Native American Youth and Family Center
- Muslim Educational Trust
- Partners in Diversity

DIRECTOR'S REPORT

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Another case involves a juvenile who was subject to a use of force by PPB members. In that case no one involved filed a complaint, but IPR used its authority under a 2010 code change to open an investigation when it became aware of the incident.

The investigations by IPR investigators are high quality and have allowed this office to meet the community's expectations. Unfortunately, there have been repercussions to our new proactive approach and it is IPR investigators who have borne the brunt of the fall out. The Portland Police Association has filed a grievance against the City for IPR's practice of sending two staff

- Urban League of Portland
- PSU Office of Diversity and Inclusion
- Immigrant and Refugee Community Organization

Strategic Outreach to recruit women:

- PDX Women in IT
- Oregon Women Lawyers
- Oregon Asian Pacific American Bar Association
- Oregon Tradeswomen Inc.
- Federally Employed Women
- PSU Women of Color Action Team
- Oregon Association of Minority Entrepreneurs

CRC application advertisements were purchased in the Skanner, the Portland Observer, The Asian Reporter, main stream media, and in neighborhood newspapers. The CRC application was placed on the websites of organizations such as Partners in Diversity, PSU Connect, Asian Pacific American Chamber of Commerce, and appeared in online newsletters of City Club of Portland, and the Governor's Office Diversity and Inclusion Newsletter. A one-hour presentation to recruit CRC members was held on KBOO Radio.

IPR is on Twitter follow us at <https://twitter.com/PortlandIPR>

members to conduct an interview of an officer, which under the collective bargaining agreement must be at a Portland Police Bureau facility.

Going forward my hope is that IPR is able to carry the momentum of the last few years and work with community stakeholders in building the civilian oversight of the Police Bureau that this community deserves.

CRC Public Meetings Schedule

CRC meetings are held at 5:30 pm on the first Wednesday of each month either in City Hall or at various locations in the community. Check our website for more details.